

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia



Richmond Division

Santrayia M. Bass  
O.W.

Case No.

3:21cv147

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Marie L. Carr - School Resource Officer  
Reid Baker - Asst Principal  
VA Beach Police Department  
VA Beach School Board

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Santrayia M. Bass		
Address	1017 Carrington Ave		
	Virginia Beach	VA	23464
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Virginia Beach		
Telephone Number	(757) 515-0333		
E-Mail Address	smbass0528@cox.net		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name	Marie L.Carr		
Job or Title <i>(if known)</i>	School Resource Officer		
Address	VBPD 4th Precinct 840 Kempsville Road		
	Virginia Beach	VA	23464
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Virginia Beach		
Telephone Number	(757) 385-2800		
E-Mail Address <i>(if known)</i>	Marie.Barr@vbschools.com		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

**Defendant No. 2**

Name	Reid Baker		
Job or Title <i>(if known)</i>	Assistant Principal		
Address	3080 S. Lynnhaven Rd		
	VA Beach	VA	23452
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Virginia Beach		
Telephone Number	(757) 648-4900		
E-Mail Address <i>(if known)</i>	Reid.Baker@vbschools.com		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	O.W.		
Address	1017 Carrington Ave		
	Virginia Beach	VA	23464
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Virginia Beach		
Telephone Number			
E-Mail Address			

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name			
Job or Title <i>(if known)</i>			
Address			
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

**Defendant No. 2**

Name			
Job or Title <i>(if known)</i>			
Address			
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

## Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## Defendant No. 3

Name Virginia Beach School Board

Job or Title *(if known)* \_\_\_\_\_

Address 2512 George Mason Drive P.O. Box 6038

Virginia Beach VA \_\_\_\_\_

*City State Zip Code*

County Virginia Beach

Telephone Number (757) 263-1000

E-Mail Address *(if known)* \_\_\_\_\_

☐ Individual capacity ☒ Official capacity

## Defendant No. 4

Name Virginia Beach Police Department

Job or Title *(if known)* \_\_\_\_\_

Address VBPD 4th Precinct 840 Kempsville Rd

Virginia Beach VA 23464

*City State Zip Code*

County Virginia Beach

Telephone Number (757) 385-2800

E-Mail Address *(if known)* \_\_\_\_\_

☐ Individual capacity ☒ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? Fourth, Fifth, and Sixth Amendments of the Constitution of the United States  
Virginia Beach Police Department General Orders

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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N/A

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- School Resource Officer Marie L. Carr violated my juvenile son's Fourth Amendment rights by not guaranteeing O.W. the right to be secure in their persons and effects against unreasonable searches and seizures. No warrants were executed to confiscate property. The Fifth and Sixth amendments rights were violated when the SRO interrogated O.W. in school without the presence of the Assistant Principal, counsel or parent.
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### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?  
The event occurred at Kempsville Middle School in Virginia Beach VA.
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- B. What date and approximate time did the events giving rise to your claim(s) occur?  
The event occurred on March 5, 2019 at approximately 03:05 pm during school hours.
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- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*  
O.W. a juvenile was questioned by the Assistant Principal (AP) in the presence of the SRO about an alleged nude photo. During this administrative investigation, the AP instructed O.W. to open his phone for inspection to examine its content for evidence of wrongdoing as alleged by fellow classmates. The AP did not locate any wrongdoing. The AP was instructed by the SRO to handover O.W. phone. The AP and SRO left the room while O.W. wrote his statement. While the AP was conducting an administrative investigation, the SRO returned alone to the room where O.W. was writing his statement and demanded he look into his phone for a photo. The SRO then handed him his phone. The SRO directed him to show the photo that had been transmitted. O.W. complied to the SRO's demand. O.W. was unaware the SRO's would use the evidence against him. O.W. was not given his Miranda Warning before being questioned and neither was his parents, or the AP present or notified. The SRO used the information and photo she obtained from this event in her probable cause warrant to arrest my thirteen year old son.
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- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- O.W. Miranda rights were not given prior to conducting a criminal interrogation. Denied right to counsel before questioning. Juveniles interviewed or interrogated by the police are afforded the same Fifth and Sixth Amendment protections as adults. Assistant Principal Reid Baker failed to notify parents of an administrative inquiry that later turned into a criminal investigation by the SRO. The Virginia Beach School Board failed to protect my juvenile son.
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### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?  
On additional pages
- 

- B. What date and approximate time did the events giving rise to your claim(s) occur?  
On additional pages
- 

- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)  
The evidence has shown that the AP was not aware of the criminal inquiries made by the SRO and that she was conducting a criminal investigation. Neither the AP nor parent were informed that the SRO was conducting a criminal investigation.
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- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- The physical size of the juvenile, the seriousness of the offense, or whether or not the juvenile is considered a suspect does not change the legal requirements during interviews and interrogations. Assistant Principal Reid Baker failed to notify parents of an administrative inquiry that later turned into a criminal investigation by the SRO. The Virginia Beach School Board failed to protect my juvenile son.

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

- B. What date and approximate time did the events giving rise to your claim(s) occur?

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

#### **IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

O.W. was taken into custody from school and placed in jail by the SRO. Neither he or his parents were aware that the administrative inquiry changed to a criminal investigation. Due to poor defense counsel, O.W. was convicted of a felony. O.W. and family has and still are suffering irreputable stress, dispare and fraught.

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#### **V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

We leave it the the courts to determine the monetary damages for the stress, suffering and dispare that we suffered.

We also ask that all cases of similar juvenile encounter at this school by these official be reviewed and the negative outcomes be overturned.

We also want an apology from the school principal Ms. Patti Jenkins (Kempsville Middle School) for the despicable descriptive presentation she made regarding my son to the school board resulting in him being suspended for the school year.

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**IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

On additional pages

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**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

On additional pages

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3/4/2021

Signature of Plaintiff

Printed Name of Plaintiff

Santrayia M. Bass  
Santrayia M. Bass

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address